

FILED

AUG 10 2018

Clerk, U.S. District Court
District Of Montana
Helena

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL ELIJAH KANE ARKINSON
a/k/a DANIEL ELIAHKANE
ARKINSON, JAMIE NICOLE
MILSTEN, and MELISSA DAWN
SHURTLIFF,

Defendants.

CR 18-10-H-CCL

ORDER


Before the Court is Defendant Arkinson's Motion to Correct Indictment to reflect the name on his birth certificate, which he states is Gabriel Elijah Kane Arkinson. (Doc. No. 71). Defendant failed to raise this issue at his arraignment, at which he stated his full name. (Minute Entry entered April 25, 2018). The government does not oppose Defendant's motion, characterizing the requested change as *de minimis*.

The Court may amend an indictment “where the change concerns matters of form rather than substance” and there is no prejudice to the defendant. *United States v. Perez*, 776 F.2d 797, 799 (9th Cir. 1985). By requesting that the indictment be amended to reflect the name on his birth certificate, Defendant Arkinson acknowledges that this is not a substantive change and that he is not prejudiced by the change.

Accordingly, Defendant Arkinson’s Motion to Correct Indictment (Doc. 71) is GRANTED.

IT IS FURTHER ORDERED that the Indictment be amended by interlineation to reflect Defendant Arkinson’s name as GABRIEL ELIJAH KANE ARKINSON a/k/a DANIEL ELIJAH KANE ARKINSON. This name shall also be used in the caption for future filings. The clerk is directed to update the case name and make the ordered name change on the filed Indictment (Doc. 1), and the interlineated redacted Indictment (Doc. 2-1), and to file said interlineations in the record.

DATED this 10th day of August, 2018.


CHARLES C. LOVELL
Senior United States District Judge